UNITED STATES PATENT AND TRADEMARK OFFICE

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10/656,391	09/05/2003	Shahab M. Sayeedi	CE10336R	9575

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EXAMINER
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ART UNIT	PAPER NUMBER
2619	

NOTIFICATION DATE	DELIVERY MODE
12/13/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/656,391	SAYEEDI, SHAHAB M.
Office Action Summary	Examiner	Art Unit	
	Man Phan	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*19 September 2007*</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-8,10 and 11* is/are rejected.

7)☒ Claim(s) *5, 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment and Argument

1.   This communication is in response to applicant's 9/19/2007 Amendment in the

application of Sayeedi for a "Method of supporting reactivation of a domant session using stored

service configurations" filed 09/05/2003.   The amendment and response has been entered and

made of record.   Claims 2, 6, 7, 9 have been amended. Claims 1-11 are pending in the

application.

The rejection of record with respect to claims under 35 U.S.C. 112, second paragraph are

hereby removed based on applicant's amendment.

2.   Applicant's remarks and argument to the rejected claims are insufficient to distinguish

the claimed invention from the cited prior arts or overcome the rejection of said claims under 35

U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have

been fully considered, but they are not persuasive for at least the following reasons.

3.   In response to Applicant's argument that the reference does not teach or reasonably

suggest the functionality upon which the Examiner relies for the rejection. The Examiner first

emphasizes for the record that the claims employ a broader in scope than the Applicant's

disclosure in all aspects. In addition, the Applicant has not argued any narrower interpretation of

the claim limitations, nor amended the claims significantly enough to construe a narrower

meaning to the limitations. Since the claims breadth allows multiple interpretations and

meanings, which are broader than Applicant's disclosure, the Examiner is <u>required</u> to interpret

the claim limitations in terms of their broadest reasonable interpretations while determining patentability of the disclosed invention. See MPEP 2111. In other words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004). Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). The interpretation of the claims by their broadest reasonable interpretation reduces the possibility that, once the claims are issued, the claims are interpreted more broadly than justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). Also, limitations appearing in the specification but not recited in the claim are not read into the claim. See *In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)*. Therefore, the failure to significantly narrow definition or scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims in parallel to the Applicant in the response and reiterates the need for the Applicant to distinctly define the claimed invention.

4.   Applicant's argument with respect to the rejected claims that the cited references fails to

disclose or suggest the limitation "receiving stored service configuration information from a

packet control function" as claimed. The Applicant's attention is directed to the Figs. 2 & 4 of

US#6,912,214, in which Madour discloses the signaling diagrams illustrating the flow of

messages between nodes in the wireless access network of Fig. 1 when a mobile station powers

down during a dormant packet-data session. The session is dormant (i.e., no data is currently

being transferred over the PPP session). At step 22, the dormant MS powers down and sends a

power-down registration to the BSC 12. The BSC may not be aware that the packet-data session

is dormant, and there is no A8 connection established with the PCF. The BSC triggers a Location

Update Request 23 towards the MSC indicating that the MS has powered down. The MSC,

which has previously received a Clear Request from the BSC (or an Assignment Failure

indicating "packet call going dormant"), responds by sending a Location Update Accept message

24 to the BSC. The Location Update Accept message includes a Release indicator informing the

BSC that a dormant packet call is to be released as well. At step 25, the BSC sends a Registration

Acknowledgment to the MS. In parallel, the BSC 12 checks the Release indicator received in the

Location Update Accept message, and determines the necessity to inform the PCF 16 that the

MS has now powered down. Therefore, at step 26, the BSC triggers an A9-Update-A8 message

to the PCF containing an identifier of the MS (MSID) and the UpdateReason parameter set to

"MS Power Down". At 27, the PCF uses the MSID received in the A9-Update-A8 message to

find the corresponding A10 connection (*the process for receiving stored service configuration

information from the PCF*). The PCF starts releasing the A10 connection by sending an A11

Registration Request. Thus, the PCF sends an A11 Registration Request message to the PDSN

with lifetime set to zero (0). The PDSN releases the A10 connection as well as the active PPP

connection, and a Registration Reply is returned to the PCF containing lifetime=0. At step 28,

the PCF returns an A9-Update-A8 Acknowledgment message back to the BSC (Col. 5, lines 32

plus). Furthermore, In CDMA2000 Mobile Stations (MSs) support multiple Packet Data Service

Instances (PDSIs), the fast call setup feature has been proposed to support the ability to activate

all dormant PDSIs simultaneously in Release "C" and Release "D" mobiles with no service

negotiation. This ability to avoid service negotiation is based on utilizing the stored Service

Configuration Records (SCRs). The SCR is stored both at the MS and in the Radio Access

Network (RAN), and contains channel configuration information through employment of

SR_IDs and their corresponding service options for the last set of active PDSIs. A

synchronization identifier (SYNC_ID) is uniquely associated with each SCR, and used to

identify it.

It's also noted that, in a CDMA wireless communication network for minimizing call set

up latency in service negotiation messages, the mobile station and the base station can ensure

that active set configurations and their corresponding active set identifiers are in synchronization

between the mobile station and the base station using the mechanism specified in the cdma2000

standard for validation of SYNC_ID, that is the method for restoring stored service

configurations (*i.e. setting USE_OLD_SERV_CONFIG - using stored service configuration*

information), and direct the use of previously negotiated service parameters.

Since no substantial amendments have been made and the Applicant's arguments are not

persuasive, the claims are drawn to the same invention and the text of the prior art rejection can

be found in the previous Office Action. Therefore, the Examiner maintains that the references

cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention Was patented or described in a printed publication in this or a foreign country or in

public use or on sale in this country, more than one year prior to the date of application for patent in the

United States.

6.   Claims 1-2, 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Madour et al (US#6,912,214).

With respect to claims 1-2, 6-7, Madour et al. (US#6,912,214) discloses a novel system and method for supporting reactivation of service instances in a dormant packet data session, according to the essential features of the claims. Madour discloses in Fig. 2 a signaling diagram illustrating the flow of messages between nodes in the wireless access network of Fig. 1 when a mobile station powers down during a dormant packet-data session, in which at step 26, the BSC triggers an A9-Update-A8 message to the PCF containing an identifier of the MS (MSID) and the UpdateReason parameter set to "MS Power Down"(*A9-Update-A8 message to the PCF instructing it to release the associated packet-data resources*). At 27, the PCF uses the MSID received in the A9-Update-A8 message to find the corresponding A10 connection. The PCF starts releasing the A10 connection by sending an A11 Registration Request. Thus, the PCF sends an A11 Registration Request message to the PDSN with lifetime set to zero (0)(*receiving*

stored service configuration information from a PCF). The PDSN releases the A10 connection as well as the active PPP connection, and a Registration Reply is returned to the PCF containing lifetime=0. At step 28, the PCF returns an A9-Update-A8 Acknowledgment message back to the BSC (*dormant packet-data session is reactivated by reallocating a traffic channel so that the data can be transferred*) (See also Figs. 4 & 9; Col. 5, lines 55 plus and Col. 6, lines 40 plus and Col. 10, lines 35 plus).

As is well known to those skilled in the art, a mobile station that maintains dormant packet data sessions initiates a "dormant handoff" of those packet data sessions when it moves to a coverage area (or "packet zone") that is controlled by another base station controller (BSC). In such an event, the mobile station alerts the network of its new situation, so that a connection from PDSN to the wireless network may be moved to the proper PCF 150. It's also noted that, a dormant packet-data session is one in which a packet-data session has been established, but no data has been exchanged for a long period of time. Under these circumstances, when an inactivity timer expires, the MSC deallocates the radio traffic channel. The PPP connection, however, is maintained. If the user then requests or sends additional data, the dormant packet-data session is reactivated by reallocating a traffic channel so that the data can be transferred. It's also noted that, in a CDMA wireless communication network for minimizing call set up latency in service negotiation messages, the mobile station and the base station can ensure that active set configurations and their corresponding active set identifiers are in synchronization between the mobile station and the base station using the mechanism specified in the cdma2000 standard for validation of SYNC_ID, that is the method for restoring stored service

configurations (*i.e. setting USE_OLD_SERV_CONFIG - using stored service configuration*

information), and direct the use of previously negotiated service parameters.

Claim Rejections - 35 USC ' 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
>
> in section 102 of this title, if the differences between the subject matter sought to be patented and the
>
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
>
> was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
>
> shall not be negatived by the manner in which the invention was made.

8.   Claims 3-4 and 8, 10, 11are rejected under 35 U.S.C. 103(a) as being unpatentable over

Madour et al. (US#6,912,214) in view of Ho et al. (US#2003/0143989).

        With respect to claims 3, 4, 8, 10, Madour et al. (US#6,912,214) in view of Ho et al.

(US#2003/0143989) disclose a novel system and method for supporting reactivation of service

instances in a dormant packet data session, according to the essential features of the claims.

Madour discloses in Fig. 9 method and access network for an improved inter-PDSN (Packet Data

Serving Node) dormant mode handoff (performs an intra-BSC/intra-PCF/inter-PDSN dormant

handoff)(refer to paragraph 0016); comprising: exchanging, by an Access Network (AN) with a

target PDSN, signaling to support an inter-PDSN handoff of a packet data session of a mobile

station (MS), (refer to At step 125, of fig. 9, the MS performs an inter-PDSN dormant handoff).

At 126, the packet-data session is reactivated due to the sending of agent advertisements and PPP

re-negotiation. The reactivation includes the establishment of an SCCP connection 14 between

the MSC 11 and the BSC 12. At 127 (*dormant packet-data session is reactivated by reallocating a traffic channel so that the data can be transferred*), the MSC sends a Clear command to the BSC using the SCCP connection (Col. 10, lines 35 plus). Madour further teaches Fig. 2 a signaling diagram illustrating the flow of messages between nodes in the wireless access network of Fig. 1 when a mobile station powers down during a dormant packet-data session, in which at step 26, the BSC triggers an A9-Update-A8 message to the PCF containing an identifier of the MS (MSID) and the UpdateReason parameter set to "MS Power Down"(*A9-Update-A8 message to the PCF instructing it to release the associated packet-data resources*). At 27, the PCF uses the MSID received in the A9-Update-A8 message to find the corresponding A10 connection. The PCF starts releasing the A10 connection by sending an A11 Registration Request. Thus, the PCF sends an A11 Registration Request message to the PDSN with lifetime set to zero (0)(*receiving stored service configuration information from a PCF*). The PDSN releases the A10 connection as well as the active PPP connection, and a Registration Reply is returned to the PCF containing lifetime=0. At step 28, the PCF returns an A9-Update-A8 Acknowledgment message back to the BSC (*dormant packet-data session is reactivated by reallocating a traffic channel so that the data can be transferred*) (See also Figs. 4 & 9; Col. 5, lines 55 plus and Col. 6, lines 40 plus and Col. 10, lines 35 plus).

However, Madour et al. (US#6,912,214) does not discloses expressly the step of receiving a SYNC_ID from a mobile station and wherein the SYNC_ID corresponds to the stored service configuration information. In the same field of endeavor, Ho et al. (US#2003/0143989) teaches in Fig. 3 a flow diagram illustrated the *stored service parameter synchronization*, in which Steps 370-395 indicate one embodiment of re-establishing

synchronized stored service parameters (*receiving stored service configuration information*).

While these steps are carried out, the mobile station 106 may be in either the system access

state, the traffic state, or in transition between the two. The details of state transition will be

specified by whichever standard is adhered to, and do not limit the scope of the present

invention. In step 370, the mobile station 106 sends the CRC as a SYNC_ID to the base station

104. In step 380, the base station 104 compares the received SYNC_ID with the CRC stored in

the base station 104. If there is a match, in decision block 385, proceed to step 390 and use the

stored configuration for the communication session, which begins when the mobile station 106

transitions back to the traffic state 340 ([0026]). Release A of the cdma2000 standard provides

for a procedure to minimize the time spent in call setup when parameters have been previously

negotiated. A mobile station can store the mutually agreed to service configuration when it

releases all dedicated channels and returns to the idle state. A mobile station may then attempt

to reestablish a connection, whether initiating a new voice call or re-connecting a dormant data

communication session. The mobile station sends an indication to the base station that a

configuration has been stored and may still be useful for the new session (*reactivating the*

dormant packet data session using the stored service configuration information). The mobile

station sends an identifier for identifying the stored configuration, known in the cdma2000

standard as SYNC_ID. The SYNC_ID can be transmitted in an Origination Message, for a

mobile station originated call, or a Page Response Message, for a mobile station terminated

call. In response, the base station may instruct the mobile station, via a Service Connect

Message, after dedicated channels have been established, that the mobile station should use the

stored configuration. If so, the need for performing service negotiation is eliminated and the call setup time is reduced ([0005]).

One skilled in the art would have recognized the need for effectively and efficiently reactivation of service instances in a dormant session using the stored service configuration, and would have applied Ho's techniques for synchronization of stored service parameters into Madour's novel use of the dormant packet data session in supporting reactivation services. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Ho's synchronization of stored service parameters in a communication system into Madour's optimized packet resource management with the motivation being to provide a method of supporting reactivation of a dormant session using stored service configurations.

Allowable Subject Matter

9.   Claims 5, 9 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

10.   The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein before receiving a SYNC_ID from a mobile station, the method comprises assigning a SYNC_ID corresponding to a current service configuration of the mobile station for the session; and sending the SYNC_ID and the corresponding service configuration to a packet control function, as specifically recited in the claims.

11.   Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Ho et al. (US#2005/0130708) discloses a synchronization of stored service parameters in

a communication system.

Rosen et al. (US#6,725,053) discloses and method and apparatus for reducing latency in

waking up a group of dormant communication devices.

Rosen et al. (US#6,738,617) discloses a controller for reducing latency in a group

dormancy wakeup process in a group communication network.

Rosen et al. (US#6,912,401) discloses a communication device for providing an efficient

dormant mode for a group communication network.

Rosen et al. (US#6,904,288) discloses a controller for providing an efficient dormant

mode for a group communication network.

Hsu et al. (US#7,298,701) discloses an apparatus and associated method for requesting

data retransmission in a packet radio communication system

Abrol et al. (US#2005/0117521) discloses a radio link protocol enhancements to reduce

setup time for data calls.

Zhao et al. (US#2003/0193911) discloses a handoff between base stations of different protocol revisions in a CDMA system.

Lee et al. (US#7,283,495) discloses an apparatus and method for managing dormant state in a wireless packet data system.

Sayeedi et al. (US#2004/0109423) discloses a method and apparatus for supporting multiple packet data service connections.

Sayeedi et al. (US#7,227,848) discloses a method and apparatus for supporting multiple packet data service connections.

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION THIS ACTION IS MADE FINAL**. See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can

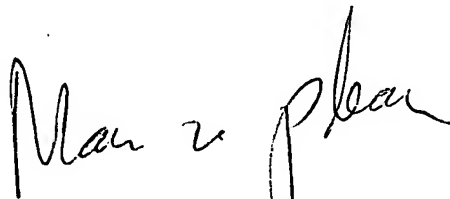normally be reached on Mon - Fri from 6:00 to 3:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

        Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-2600.

15.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about

the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-

9197.

Mphan

Dec. 07, 2007

MAN U. PHAN
PRIMARY EXAMINER